



492836

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2009	.	
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The Committee on Community Affairs (Deutch) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 775.215, Florida Statutes, is created to read:

775.215 Preemption of local residency limits for a person convicted of a sexual offense.—The authority to limit the residence of a person convicted of a sexual offense is expressly preempted to the state. The term "sexual offense" as used in



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12 this section includes, but is not limited to, a violation of s.  
13 787.01, s. 787.02, s. 794.011, s. 800.04, s. 827.071, or s.  
14 847.0145, regardless of whether adjudication has been withheld.

15 Section 2. Section 794.065, Florida Statutes, is amended to  
16 read:

17 794.065 Unlawful place of residence for persons convicted  
18 of certain sex offenses.—

19 (1) (a) 1. It is unlawful for any person who has been  
20 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,  
21 s. 847.0135(5), or s. 847.0145, regardless of whether  
22 adjudication has been withheld, in which the victim of the  
23 offense was less than 16 years of age, to reside within 1,000  
24 feet of any school, child care facility ~~day care center~~, park,  
25 or playground.

26 2. A person who violates this subsection commits: ~~section~~  
27 ~~and whose conviction under s. 794.011, s. 800.04, s. 827.071, s.~~  
28 ~~847.0135(5), or s. 847.0145 was classified as A felony of the~~  
29 ~~first degree or higher commits~~

30 a. A felony of the third degree, punishable as provided in  
31 s. 775.082 or s. 775.083, if the person's conviction under  
32 subparagraph 1. was for a felony of the first degree or higher.  
33 ~~A person who violates this section and whose conviction under s.~~  
34 ~~794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145~~  
35 ~~was classified as A felony of the second or third degree commits~~

36 b. A misdemeanor of the first degree, punishable as  
37 provided in s. 775.082 or s. 775.083, if the person's conviction  
38 under subparagraph 1. was for a felony of the second or third  
39 degree.

40 (b) (2) This subsection ~~section~~ applies to any person



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41 convicted of an offense listed in subparagraph (a)1. if the  
42 offense occurred a violation of s. 794.011, s. 800.04, s.  
43 827.071, s. 847.0135(5), or s. 847.0145 for offenses that occur  
44 on or after October 1, 2004.

45 (2) (a) A person may not reside within 1,500 feet of a  
46 school, child care facility, park, or playground if the person:

47 1. Has been convicted, regardless of whether adjudication  
48 has been withheld, of a violation of s. 787.01, s. 787.02, s.  
49 794.011, s. 800.04, s. 827.071, or s. 847.0145, or a violation  
50 of a similar law of another jurisdiction, for an offense that  
51 was committed on or after October 1, 2009, against a victim who  
52 was younger than age 16; or

53 2. Is subject to the residency restrictions under  
54 subparagraph (1) (a)1. and establishes a new residence after  
55 October 1, 2009.

56 (b) A person who violates this subsection commits:

57 1. A felony of the third degree, punishable as provided in  
58 s. 775.082 or s. 775.083, if the person's conviction under  
59 subparagraph (a)1. was for a felony of the first degree or  
60 higher.

61 2. A misdemeanor of the first degree, punishable as  
62 provided in s. 775.082 or s. 775.083, if the person's conviction  
63 under subparagraph (a)1. was for a felony of the second or third  
64 degree.

65 (c) The distances in this subsection must be measured in a  
66 straight line from the offender's place of residence to the  
67 nearest boundary line of the school, child care facility, park,  
68 or playground.

69 Section 3. Section 856.022, Florida Statutes, is created to



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70 read:

71 856.022 Loitering or prowling by certain offenders in close  
72 proximity to children; penalty.-

73 (1) This section applies to an offender convicted of  
74 committing, or attempting, soliciting, or conspiring to commit,  
75 any of the criminal offenses proscribed in the following  
76 statutes in this state or similar offenses in another  
77 jurisdiction against a victim who was under the age of 18 at the  
78 time of the offense: s. 787.01, s. 787.02, or s. 787.025(2)(c),  
79 if the victim is a minor and the offender was not the victim's  
80 parent or guardian; s. 794.011, excluding s. 794.011(10); s.  
81 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s.  
82 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
83 847.0137; s. 847.0138; s. 847.0145; s. 985.701(1); or any  
84 similar offense committed in this state which has been  
85 redesignated from a former statute number to one of those listed  
86 in this subsection, if the offender has not received a pardon  
87 for any felony or similar law of another jurisdiction necessary  
88 for the operation of this subsection and a conviction of a  
89 felony or similar law of another jurisdiction necessary for the  
90 operation of this subsection has not been set aside in any  
91 postconviction proceeding.

92 (2) An offender described in subsection (1) commits  
93 loitering and prowling by a person convicted of a sexual offense  
94 against a minor if, in committing loitering and prowling, he or  
95 she is within 300 feet of a place where children regularly  
96 congregate, including, but not limited to, a school, child care  
97 facility, playground, or park.

98 (3) It is unlawful for an offender described in subsection



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99 (1) to:

100 (a) Knowingly approach, contact, or communicate with a  
101 child under 18 years of age in any public park building or on  
102 real property comprising any public park or playground with  
103 intent to engage in conduct of a sexual nature, or to make a  
104 communication of any type containing any content of a sexual  
105 nature. This paragraph applies only to an offender described in  
106 subsection (1) whose offense was committed on or after July 1,  
107 2009.

108 (b)1. Knowingly be present in any child care facility or  
109 pre-K through 12 school or on real property comprising any child  
110 care facility or pre-K through 12 school when the child care  
111 facility or school is in operation, unless the offender has  
112 provided written notification of his or her intent to be present  
113 to the school board, superintendent, principal, or child care  
114 facility owner.

115 2. Fail to notify the child care facility owner or the  
116 principal's office when he or she arrives and departs the child  
117 care facility or school.

118 3. Fail to remain under direct supervision of a school  
119 official or designated chaperone when present in the vicinity of  
120 children. As used in this subparagraph, the term "school  
121 official" means a principal, a school resource officer, a  
122 teacher or any other employee of the school, the superintendent  
123 of schools, a member of the school board, a child care facility  
124 owner, or a child care provider.

125 (4) The offender is not in violation of subsection (3) if:

126 (a) The child care facility or school is a voting location  
127 and the offender is present for the purpose of voting during the



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128 hours designated for voting; or

129 (b) The offender is only dropping off or picking up his or  
130 her own children or grandchildren at the child care facility or  
131 school.

132 (5) Any person who violates this section commits a  
133 misdemeanor of the first degree, punishable as provided in s.  
134 775.082 or s. 775.083.

135 Section 4. Paragraph (g) of subsection (2), paragraphs (a)  
136 and (c) of subsection (4), paragraph (a) of subsection (5),  
137 paragraphs (a), (f), (g), (i), and (j) of subsection (6),  
138 paragraph (a) of subsection (7), and paragraph (a) of subsection  
139 (8) of section 775.21, Florida Statutes, are amended, and  
140 paragraph (l) is added to subsection (2) of that section, to  
141 read:

142 775.21 The Florida Sexual Predators Act.—

143 (2) DEFINITIONS.—As used in this section, the term:

144 (g) "Temporary residence" means a place where the person  
145 abides, lodges, or resides, including, but not limited to,  
146 vacation, business, or personal travel destinations in or out of  
147 this state, for a period of 5 or more days in the aggregate  
148 during any calendar year and which is not the person's permanent  
149 address or, for a person whose permanent residence is not in  
150 this state, a place where the person is employed, practices a  
151 vocation, or is enrolled as a student for any period of time in  
152 this state.

153 (l) "Transient residence" means a place or county where a  
154 person lives, remains, or is located for a period of 5 or more  
155 days in the aggregate during a calendar year and which is not  
156 the person's permanent or temporary address. The term includes,



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157 but is not limited to, a place where the person sleeps or seeks  
158 shelter and a location that has no specific street address.

159 (4) SEXUAL PREDATOR CRITERIA.—

160 (a) For a current offense committed on or after October 1,  
161 1993, upon conviction, an offender shall be designated as a  
162 “sexual predator” under subsection (5), and subject to  
163 registration under subsection (6) and community and public  
164 notification under subsection (7) if:

165 1. The felony is:

166 a. A capital, life, or first-degree felony violation, or  
167 any attempt thereof, of s. 787.01 or s. 787.02, where the victim  
168 is a minor and the defendant is not the victim’s parent or  
169 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a  
170 violation of a similar law of another jurisdiction; or

171 b. Any felony violation, or any attempt thereof, of s.  
172 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a  
173 minor and the defendant is not the victim’s parent or guardian;  
174 s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
175 796.035; s. 800.04; s. 825.1025(2)(b); s. 827.071; s.  
176 847.0135(5); s. 847.0145; or s. 985.701(1); or a violation of a  
177 similar law of another jurisdiction, and the offender has  
178 previously been convicted of or found to have committed, or has  
179 pled nolo contendere or guilty to, regardless of adjudication,  
180 any violation of s. 787.01, s. 787.02, or s. 787.025(2)(c),  
181 where the victim is a minor and the defendant is not the  
182 victim’s parent or guardian; s. 794.011, excluding s.  
183 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
184 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
185 847.0135(6) ~~s. 847.0135(4)~~; s. 847.0145; or s. 985.701(1); or a



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186 violation of a similar law of another jurisdiction;

187 2. The offender has not received a pardon for any felony or  
188 similar law of another jurisdiction that is necessary for the  
189 operation of this paragraph; and

190 3. A conviction of a felony or similar law of another  
191 jurisdiction necessary to the operation of this paragraph has  
192 not been set aside in any postconviction proceeding.

193 (c) If an offender has been registered as a sexual predator  
194 by the Department of Corrections, the department, or any other  
195 law enforcement agency and if:

196 1. The court did not, for whatever reason, make a written  
197 finding at the time of sentencing that the offender was a sexual  
198 predator; or

199 2. The offender was administratively registered as a sexual  
200 predator because the Department of Corrections, the department,  
201 or any other law enforcement agency obtained information that  
202 indicated that the offender met the criteria for designation as  
203 a sexual predator based on a violation of a similar law in  
204 another jurisdiction,

205  
206 the department shall remove that offender from the department's  
207 list of sexual predators and, for an offender described under  
208 subparagraph 1., shall notify the state attorney who prosecuted  
209 the offense that met the criteria for administrative designation  
210 as a sexual predator, and, for an offender described under this  
211 paragraph, shall notify the state attorney of the county where  
212 the offender establishes or maintains a permanent, ~~or~~ temporary,  
213 or transient residence. The state attorney shall bring the  
214 matter to the court's attention in order to establish that the





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215 offender meets the criteria for designation as a sexual  
216 predator. If the court makes a written finding that the offender  
217 is a sexual predator, the offender must be designated as a  
218 sexual predator, must register or be registered as a sexual  
219 predator with the department as provided in subsection (6), and  
220 is subject to the community and public notification as provided  
221 in subsection (7). If the court does not make a written finding  
222 that the offender is a sexual predator, the offender may not be  
223 designated as a sexual predator with respect to that offense and  
224 is not required to register or be registered as a sexual  
225 predator with the department.

226 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated  
227 as a sexual predator as follows:

228 (a)1. An offender who meets the sexual predator criteria  
229 described in paragraph (4) (d) is a sexual predator, and the  
230 court shall make a written finding at the time such offender is  
231 determined to be a sexually violent predator under chapter 394  
232 that such person meets the criteria for designation as a sexual  
233 predator for purposes of this section. The clerk shall transmit  
234 a copy of the order containing the written finding to the  
235 department within 48 hours after the entry of the order;

236 2. An offender who meets the sexual predator criteria  
237 described in paragraph (4) (a) who is before the court for  
238 sentencing for a current offense committed on or after October  
239 1, 1993, is a sexual predator, and the sentencing court must  
240 make a written finding at the time of sentencing that the  
241 offender is a sexual predator, and the clerk of the court shall  
242 transmit a copy of the order containing the written finding to  
243 the department within 48 hours after the entry of the order; or



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244           3. If the Department of Corrections, the department, or any  
245 other law enforcement agency obtains information which indicates  
246 that an offender who establishes or maintains a permanent, ~~or~~  
247 temporary, or transient residence in this state meets the sexual  
248 predator criteria described in paragraph (4) (a) or paragraph  
249 (4) (d) because the offender was civilly committed or committed a  
250 similar violation in another jurisdiction on or after October 1,  
251 1993, the Department of Corrections, the department, or the law  
252 enforcement agency shall notify the state attorney of the county  
253 where the offender establishes or maintains a permanent, ~~or~~  
254 temporary, or transient residence of the offender's presence in  
255 the community. The state attorney shall file a petition with the  
256 criminal division of the circuit court for the purpose of  
257 holding a hearing to determine if the offender's criminal record  
258 or record of civil commitment from another jurisdiction meets  
259 the sexual predator criteria. If the court finds that the  
260 offender meets the sexual predator criteria because the offender  
261 has violated a similar law or similar laws in another  
262 jurisdiction, the court shall make a written finding that the  
263 offender is a sexual predator.

264  
265 When the court makes a written finding that an offender is a  
266 sexual predator, the court shall inform the sexual predator of  
267 the registration and community and public notification  
268 requirements described in this section. Within 48 hours after  
269 the court designating an offender as a sexual predator, the  
270 clerk of the circuit court shall transmit a copy of the court's  
271 written sexual predator finding to the department. If the  
272 offender is sentenced to a term of imprisonment or supervision,



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273 a copy of the court's written sexual predator finding must be  
274 submitted to the Department of Corrections.

275 (6) REGISTRATION.—

276 (a) A sexual predator must register with the department  
277 through the sheriff's office by providing the following  
278 information to the department:

279 1. Name, social security number, age, race, sex, date of  
280 birth, height, weight, hair and eye color, photograph, address  
281 of legal residence and address of any current temporary  
282 residence, within the state or out of state, including a rural  
283 route address and a post office box, if no permanent or  
284 temporary address, any transient residence within the state,  
285 address, location or description, and dates of any current or  
286 known future temporary residence within the state or out of  
287 state, any electronic mail address and any instant message name  
288 required to be provided pursuant to subparagraph (g)4., date and  
289 place of any employment, date and place of each conviction,  
290 fingerprints, and a brief description of the crime or crimes  
291 committed by the offender. A post office box shall not be  
292 provided in lieu of a physical residential address.

293 a. If the sexual predator's place of residence is a motor  
294 vehicle, trailer, mobile home, or manufactured home, as defined  
295 in chapter 320, the sexual predator shall also provide to the  
296 department written notice of the vehicle identification number;  
297 the license tag number; the registration number; and a  
298 description, including color scheme, of the motor vehicle,  
299 trailer, mobile home, or manufactured home. If a sexual  
300 predator's place of residence is a vessel, live-aboard vessel,  
301 or houseboat, as defined in chapter 327, the sexual predator



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302 shall also provide to the department written notice of the hull  
303 identification number; the manufacturer's serial number; the  
304 name of the vessel, live-aboard vessel, or houseboat; the  
305 registration number; and a description, including color scheme,  
306 of the vessel, live-aboard vessel, or houseboat.

307       b. If the sexual predator is enrolled, employed, or  
308 carrying on a vocation at an institution of higher education in  
309 this state, the sexual predator shall also provide to the  
310 department the name, address, and county of each institution,  
311 including each campus attended, and the sexual predator's  
312 enrollment or employment status. Each change in enrollment or  
313 employment status shall be reported in person at the sheriff's  
314 office, or the Department of Corrections if the sexual predator  
315 is in the custody or control of or under the supervision of the  
316 Department of Corrections, within 48 hours after any change in  
317 status. The sheriff or the Department of Corrections shall  
318 promptly notify each institution of the sexual predator's  
319 presence and any change in the sexual predator's enrollment or  
320 employment status.

321       2. Any other information determined necessary by the  
322 department, including criminal and corrections records;  
323 nonprivileged personnel and treatment records; and evidentiary  
324 genetic markers when available.

325       (f) Within 48 hours after the registration required under  
326 paragraph (a) or paragraph (e), a sexual predator who is not  
327 incarcerated and who resides in the community, including a  
328 sexual predator under the supervision of the Department of  
329 Corrections, shall register in person at a driver's license  
330 office of the Department of Highway Safety and Motor Vehicles



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331 and shall present proof of registration. At the driver's license  
332 office the sexual predator shall:

333 1. If otherwise qualified, secure a Florida driver's  
334 license, renew a Florida driver's license, or secure an  
335 identification card. The sexual predator shall identify himself  
336 or herself as a sexual predator who is required to comply with  
337 this section, provide his or her place of permanent, ~~or~~  
338 temporary, or transient residence, including a rural route  
339 address and a post office box, and submit to the taking of a  
340 photograph for use in issuing a driver's license, renewed  
341 license, or identification card, and for use by the department  
342 in maintaining current records of sexual predators. A post  
343 office box shall not be provided in lieu of a physical  
344 residential address. If the sexual predator's place of residence  
345 is a motor vehicle, trailer, mobile home, or manufactured home,  
346 as defined in chapter 320, the sexual predator shall also  
347 provide to the Department of Highway Safety and Motor Vehicles  
348 the vehicle identification number; the license tag number; the  
349 registration number; and a description, including color scheme,  
350 of the motor vehicle, trailer, mobile home, or manufactured  
351 home. If a sexual predator's place of residence is a vessel,  
352 live-aboard vessel, or houseboat, as defined in chapter 327, the  
353 sexual predator shall also provide to the Department of Highway  
354 Safety and Motor Vehicles the hull identification number; the  
355 manufacturer's serial number; the name of the vessel, live-  
356 aboard vessel, or houseboat; the registration number; and a  
357 description, including color scheme, of the vessel, live-aboard  
358 vessel, or houseboat.

359 2. Pay the costs assessed by the Department of Highway



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360 Safety and Motor Vehicles for issuing or renewing a driver's  
361 license or identification card as required by this section. The  
362 driver's license or identification card issued to the sexual  
363 predator must be in compliance with s. 322.141(3).

364 3. Provide, upon request, any additional information  
365 necessary to confirm the identity of the sexual predator,  
366 including a set of fingerprints.

367 (g)1. Each time a sexual predator's driver's license or  
368 identification card is subject to renewal, and, without regard  
369 to the status of the predator's driver's license or  
370 identification card, within 48 hours after any change of the  
371 predator's residence or change in the predator's name by reason  
372 of marriage or other legal process, the predator shall report in  
373 person to a driver's license office and shall be subject to the  
374 requirements specified in paragraph (f). The Department of  
375 Highway Safety and Motor Vehicles shall forward to the  
376 department and to the Department of Corrections all photographs  
377 and information provided by sexual predators. Notwithstanding  
378 the restrictions set forth in s. 322.142, the Department of  
379 Highway Safety and Motor Vehicles is authorized to release a  
380 reproduction of a color-photograph or digital-image license to  
381 the Department of Law Enforcement for purposes of public  
382 notification of sexual predators as provided in this section.

383 2. A sexual predator who vacates a permanent, temporary, or  
384 transient residence and fails to establish or maintain another  
385 permanent or temporary residence shall, within 48 hours after  
386 vacating the permanent, temporary, or transient residence,  
387 report in person to the sheriff's office of the county in which  
388 he or she is located. The sexual predator shall specify the date



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389 upon which he or she intends to or did vacate such residence.  
390 The sexual predator must provide or update all of the  
391 registration information required under paragraph (a). The  
392 sexual predator must provide an address for the residence or  
393 other place ~~location~~ that he or she is or will be located  
394 ~~occupying~~ during the time in which he or she fails to establish  
395 or maintain a permanent or temporary residence.

396 3. A sexual predator who remains at a permanent, temporary,  
397 or transient residence after reporting his or her intent to  
398 vacate such residence shall, within 48 hours after the date upon  
399 which the predator indicated he or she would or did vacate such  
400 residence, report in person to the sheriff's office to which he  
401 or she reported pursuant to subparagraph 2. for the purpose of  
402 reporting his or her address at such residence. When the sheriff  
403 receives the report, the sheriff shall promptly convey the  
404 information to the department. An offender who makes a report as  
405 required under subparagraph 2. but fails to make a report as  
406 required under this subparagraph commits a felony of the second  
407 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
408 775.084.

409 4. A sexual predator must register any electronic mail  
410 address or instant message name with the department prior to  
411 using such electronic mail address or instant message name on or  
412 after October 1, 2007. The department shall establish an online  
413 system through which sexual predators may securely access and  
414 update all electronic mail address and instant message name  
415 information.

416 (i) A sexual predator who intends to establish a permanent,  
417 temporary, or transient residence in another state or



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418 jurisdiction other than the State of Florida shall report in  
419 person to the sheriff of the county of current residence within  
420 48 hours before the date he or she intends to leave this state  
421 to establish residence in another state or jurisdiction. The  
422 sexual predator must provide to the sheriff the address,  
423 municipality, county, and state of intended residence. The  
424 sheriff shall promptly provide to the department the information  
425 received from the sexual predator. The department shall notify  
426 the statewide law enforcement agency, or a comparable agency, in  
427 the intended state or jurisdiction of residence of the sexual  
428 predator's intended residence. The failure of a sexual predator  
429 to provide his or her intended place of residence is punishable  
430 as provided in subsection (10).

431 (j) A sexual predator who indicates his or her intent to  
432 establish a permanent, temporary, or transient residence ~~reside~~  
433 in another state or jurisdiction other than the State of Florida  
434 and later decides to remain in this state shall, within 48 hours  
435 after the date upon which the sexual predator indicated he or  
436 she would leave this state, report in person to the sheriff to  
437 which the sexual predator reported the intended change of  
438 residence, and report his or her intent to remain in this state.  
439 If the sheriff is notified by the sexual predator that he or she  
440 intends to remain in this state, the sheriff shall promptly  
441 report this information to the department. A sexual predator who  
442 reports his or her intent to establish a permanent, temporary,  
443 or transient residence ~~reside~~ in another state or jurisdiction,  
444 but who remains in this state without reporting to the sheriff  
445 in the manner required by this paragraph, commits a felony of  
446 the second degree, punishable as provided in s. 775.082, s.





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447 775.083, or s. 775.084.

448 (7) COMMUNITY AND PUBLIC NOTIFICATION.—

449 (a) Law enforcement agencies must inform members of the  
450 community and the public of a sexual predator's presence. Upon  
451 notification of the presence of a sexual predator, the sheriff  
452 of the county or the chief of police of the municipality where  
453 the sexual predator establishes or maintains a permanent or  
454 temporary residence shall notify members of the community and  
455 the public of the presence of the sexual predator in a manner  
456 deemed appropriate by the sheriff or the chief of police. Within  
457 48 hours after receiving notification of the presence of a  
458 sexual predator, the sheriff of the county or the chief of  
459 police of the municipality where the sexual predator temporarily  
460 or permanently resides shall notify each licensed day care  
461 center, elementary school, middle school, and high school within  
462 a 1-mile radius of the temporary or permanent residence of the  
463 sexual predator of the presence of the sexual predator.

464 Information provided to members of the community and the public  
465 regarding a sexual predator must include:

- 466 1. The name of the sexual predator;
- 467 2. A description of the sexual predator, including a  
468 photograph;
- 469 3. The sexual predator's current permanent, temporary, and  
470 transient addresses, and descriptions of registered locations  
471 that have no specific street address, including the name of the  
472 county or municipality if known;
- 473 4. The circumstances of the sexual predator's offense or  
474 offenses; and
- 475 5. Whether the victim of the sexual predator's offense or



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476 offenses was, at the time of the offense, a minor or an adult.

477  
478 This paragraph does not authorize the release of the name of any  
479 victim of the sexual predator.

480 (8) VERIFICATION.—The department and the Department of  
481 Corrections shall implement a system for verifying the addresses  
482 of sexual predators. The system must be consistent with the  
483 provisions of the federal Adam Walsh Child Protection and Safety  
484 Act of 2006 and any other federal standards applicable to such  
485 verification or required to be met as a condition for the  
486 receipt of federal funds by the state. The Department of  
487 Corrections shall verify the addresses of sexual predators who  
488 are not incarcerated but who reside in the community under the  
489 supervision of the Department of Corrections and shall report to  
490 the department any failure by a sexual predator to comply with  
491 registration requirements. County and local law enforcement  
492 agencies, in conjunction with the department, shall verify the  
493 addresses of sexual predators who are not under the care,  
494 custody, control, or supervision of the Department of  
495 Corrections. Local law enforcement agencies shall report to the  
496 department any failure by a sexual predator to comply with  
497 registration requirements.

498 (a) A sexual predator must report in person each year  
499 during the month of the sexual predator's birthday and during  
500 every third month thereafter to the sheriff's office in the  
501 county in which he or she resides or is otherwise located to  
502 reregister. The sheriff's office may determine the appropriate  
503 times and days for reporting by the sexual predator, which shall  
504 be consistent with the reporting requirements of this paragraph.



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505 Reregistration shall include any changes to the following  
506 information:

507 1. Name; social security number; age; race; sex; date of  
508 birth; height; weight; hair and eye color; address of any  
509 permanent residence and address of any current temporary  
510 residence, within the state or out of state, including a rural  
511 route address and a post office box; if no permanent or  
512 temporary address, any transient residence within the state;  
513 address, location or description, and dates of any current or  
514 known future temporary residence within the state or out of  
515 state; any electronic mail address and any instant message name  
516 required to be provided pursuant to subparagraph (6) (g)4.; date  
517 and place of any employment; vehicle make, model, color, and  
518 license tag number; fingerprints; and photograph. A post office  
519 box shall not be provided in lieu of a physical residential  
520 address.

521 2. If the sexual predator is enrolled, employed, or  
522 carrying on a vocation at an institution of higher education in  
523 this state, the sexual predator shall also provide to the  
524 department the name, address, and county of each institution,  
525 including each campus attended, and the sexual predator's  
526 enrollment or employment status.

527 3. If the sexual predator's place of residence is a motor  
528 vehicle, trailer, mobile home, or manufactured home, as defined  
529 in chapter 320, the sexual predator shall also provide the  
530 vehicle identification number; the license tag number; the  
531 registration number; and a description, including color scheme,  
532 of the motor vehicle, trailer, mobile home, or manufactured  
533 home. If the sexual predator's place of residence is a vessel,



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534 live-aboard vessel, or houseboat, as defined in chapter 327, the  
535 sexual predator shall also provide the hull identification  
536 number; the manufacturer's serial number; the name of the  
537 vessel, live-aboard vessel, or houseboat; the registration  
538 number; and a description, including color scheme, of the  
539 vessel, live-aboard vessel, or houseboat.

540 Section 5. Paragraph (c) of subsection (1), subsection (2),  
541 paragraphs (a), (b), and (c) of subsection (4), subsections (7),  
542 (8), and (10), and paragraph (c) of subsection (14) of section  
543 943.0435, Florida Statutes, are amended to read:

544 943.0435 Sexual offenders required to register with the  
545 department; penalty.—

546 (1) As used in this section, the term:

547 (c) "Permanent residence," ~~and~~ "temporary residence," and  
548 "transient residence" have the same meaning ascribed in s.  
549 775.21.

550 (2) A sexual offender shall:

551 (a) Report in person at the sheriff's office:

552 1. In the county in which the offender establishes or  
553 maintains a permanent, ~~or~~ temporary, or transient residence  
554 within 48 hours after:

555 a. Establishing permanent, ~~or~~ temporary, or transient  
556 residence in this state ; or

557 b. Being released from the custody, control, or supervision  
558 of the Department of Corrections or from the custody of a  
559 private correctional facility; or

560 2. In the county where he or she was convicted within 48  
561 hours after being convicted for a qualifying offense for  
562 registration under this section if the offender is not in the



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563 custody or control of, or under the supervision of, the  
564 Department of Corrections, or is not in the custody of a private  
565 correctional facility.

566  
567 Any change in the information required to be provided pursuant  
568 to paragraph (b), including, but not limited to, any change in  
569 the sexual offender's permanent, ~~or~~ temporary, or transient  
570 residence, name, any electronic mail address, and any instant  
571 message name required to be provided pursuant to paragraph  
572 (4) (d), after the sexual offender reports in person at the  
573 sheriff's office, shall be accomplished in the manner provided  
574 in subsections (4), (7), and (8).

575 (b) Provide his or her name, date of birth, social security  
576 number, race, sex, height, weight, hair and eye color, tattoos  
577 or other identifying marks, occupation and place of employment,  
578 address of permanent or legal residence or address of any  
579 current temporary residence, within the state and out of state,  
580 including a rural route address and a post office box, if no  
581 permanent or temporary address, any transient residence within  
582 the state, address, location or description, and dates of any  
583 current or known future temporary residence within the state or  
584 out of state, any electronic mail address and any instant  
585 message name required to be provided pursuant to paragraph  
586 (4) (d), date and place of each conviction, and a brief  
587 description of the crime or crimes committed by the offender. A  
588 post office box shall not be provided in lieu of a physical  
589 residential address.

590 1. If the sexual offender's place of residence is a motor  
591 vehicle, trailer, mobile home, or manufactured home, as defined



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592 in chapter 320, the sexual offender shall also provide to the  
593 department through the sheriff's office written notice of the  
594 vehicle identification number; the license tag number; the  
595 registration number; and a description, including color scheme,  
596 of the motor vehicle, trailer, mobile home, or manufactured  
597 home. If the sexual offender's place of residence is a vessel,  
598 live-aboard vessel, or houseboat, as defined in chapter 327, the  
599 sexual offender shall also provide to the department written  
600 notice of the hull identification number; the manufacturer's  
601 serial number; the name of the vessel, live-aboard vessel, or  
602 houseboat; the registration number; and a description, including  
603 color scheme, of the vessel, live-aboard vessel, or houseboat.

604 2. If the sexual offender is enrolled, employed, or  
605 carrying on a vocation at an institution of higher education in  
606 this state, the sexual offender shall also provide to the  
607 department through the sheriff's office the name, address, and  
608 county of each institution, including each campus attended, and  
609 the sexual offender's enrollment or employment status. Each  
610 change in enrollment or employment status shall be reported in  
611 person at the sheriff's office, within 48 hours after any change  
612 in status. The sheriff shall promptly notify each institution of  
613 the sexual offender's presence and any change in the sexual  
614 offender's enrollment or employment status.

615  
616 When a sexual offender reports at the sheriff's office, the  
617 sheriff shall take a photograph and a set of fingerprints of the  
618 offender and forward the photographs and fingerprints to the  
619 department, along with the information provided by the sexual  
620 offender. The sheriff shall promptly provide to the department



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621 the information received from the sexual offender.

622 (4) (a) Each time a sexual offender's driver's license or  
623 identification card is subject to renewal, and, without regard  
624 to the status of the offender's driver's license or  
625 identification card, within 48 hours after any change in the  
626 offender's permanent, ~~or~~ temporary, or transient residence or  
627 change in the offender's name by reason of marriage or other  
628 legal process, the offender shall report in person to a driver's  
629 license office, and shall be subject to the requirements  
630 specified in subsection (3). The Department of Highway Safety  
631 and Motor Vehicles shall forward to the department all  
632 photographs and information provided by sexual offenders.  
633 Notwithstanding the restrictions set forth in s. 322.142, the  
634 Department of Highway Safety and Motor Vehicles is authorized to  
635 release a reproduction of a color-photograph or digital-image  
636 license to the Department of Law Enforcement for purposes of  
637 public notification of sexual offenders as provided in this  
638 section and ss. 943.043 and 944.606.

639 (b) A sexual offender who vacates a permanent, temporary,  
640 or transient residence and fails to establish or maintain  
641 another permanent or temporary residence shall, within 48 hours  
642 after vacating the permanent, temporary, or transient residence,  
643 report in person to the sheriff's office of the county in which  
644 he or she is located. The sexual offender shall specify the date  
645 upon which he or she intends to or did vacate such residence.  
646 The sexual offender must provide or update all of the  
647 registration information required under paragraph (2) (b). The  
648 sexual offender must provide an address for the residence or  
649 other place ~~location~~ that he or she is or will be located



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650 ~~occupying~~ during the time in which he or she fails to establish  
651 or maintain a permanent or temporary residence.

652 (c) A sexual offender who remains at a permanent,  
653 temporary, or transient residence after reporting his or her  
654 intent to vacate such residence shall, within 48 hours after the  
655 date upon which the offender indicated he or she would or did  
656 vacate such residence, report in person to the agency to which  
657 he or she reported pursuant to paragraph (b) for the purpose of  
658 reporting his or her address at such residence. When the sheriff  
659 receives the report, the sheriff shall promptly convey the  
660 information to the department. An offender who makes a report as  
661 required under paragraph (b) but fails to make a report as  
662 required under this paragraph commits a felony of the second  
663 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
664 775.084.

665 (7) A sexual offender who intends to establish a permanent,  
666 temporary, or transient residence in another state or  
667 jurisdiction other than the State of Florida shall report in  
668 person to the sheriff of the county of current residence within  
669 48 hours before the date he or she intends to leave this state  
670 to establish residence in another state or jurisdiction. The  
671 notification must include the address, municipality, county, and  
672 state of intended residence. The sheriff shall promptly provide  
673 to the department the information received from the sexual  
674 offender. The department shall notify the statewide law  
675 enforcement agency, or a comparable agency, in the intended  
676 state or jurisdiction of residence of the sexual offender's  
677 intended residence. The failure of a sexual offender to provide  
678 his or her intended place of residence is punishable as provided





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679 in subsection (9).

680 (8) A sexual offender who indicates his or her intent to  
681 establish a permanent, temporary, or transient residence ~~reside~~  
682 in another state or jurisdiction other than the State of Florida  
683 and later decides to remain in this state shall, within 48 hours  
684 after the date upon which the sexual offender indicated he or  
685 she would leave this state, report in person to the sheriff to  
686 which the sexual offender reported the intended change of  
687 permanent, temporary, or transient residence, and report his or  
688 her intent to remain in this state. The sheriff shall promptly  
689 report this information to the department. A sexual offender who  
690 reports his or her intent to establish a permanent, temporary,  
691 or transient residence ~~reside~~ in another state or jurisdiction  
692 but who remains in this state without reporting to the sheriff  
693 in the manner required by this subsection commits a felony of  
694 the second degree, punishable as provided in s. 775.082, s.  
695 775.083, or s. 775.084.

696 (10) The department, the Department of Highway Safety and  
697 Motor Vehicles, the Department of Corrections, the Department of  
698 Juvenile Justice, any law enforcement agency in this state, and  
699 the personnel of those departments; an elected or appointed  
700 official, public employee, or school administrator; or an  
701 employee, agency, or any individual or entity acting at the  
702 request or upon the direction of any law enforcement agency is  
703 immune from civil liability for damages for good faith  
704 compliance with the requirements of this section or for the  
705 release of information under this section, and shall be presumed  
706 to have acted in good faith in compiling, recording, reporting,  
707 or releasing the information. The presumption of good faith is



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708 not overcome if a technical or clerical error is made by the  
709 department, the Department of Highway Safety and Motor Vehicles,  
710 the Department of Corrections, the Department of Juvenile  
711 Justice, the personnel of those departments, or any individual  
712 or entity acting at the request or upon the direction of any of  
713 those departments in compiling or providing information, or if  
714 information is incomplete or incorrect because a sexual offender  
715 fails to report or falsely reports his or her current place of  
716 permanent, ~~or~~ temporary, or transient residence.

717 (14)

718 (c) The sheriff's office may determine the appropriate  
719 times and days for reporting by the sexual offender, which shall  
720 be consistent with the reporting requirements of this  
721 subsection. Reregistration shall include any changes to the  
722 following information:

723 1. Name; social security number; age; race; sex; date of  
724 birth; height; weight; hair and eye color; address of any  
725 permanent residence and address of any current temporary  
726 residence, within the state or out of state, including a rural  
727 route address and a post office box; if no permanent or  
728 temporary address, any transient residence within the state;  
729 address, location or description, and dates of any current or  
730 known future temporary residence within the state or out of  
731 state; any electronic mail address and any instant message name  
732 required to be provided pursuant to paragraph (4) (d); date and  
733 place of any employment; vehicle make, model, color, and license  
734 tag number; fingerprints; and photograph. A post office box  
735 shall not be provided in lieu of a physical residential address.

736 2. If the sexual offender is enrolled, employed, or



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737 carrying on a vocation at an institution of higher education in  
738 this state, the sexual offender shall also provide to the  
739 department the name, address, and county of each institution,  
740 including each campus attended, and the sexual offender's  
741 enrollment or employment status.

742 3. If the sexual offender's place of residence is a motor  
743 vehicle, trailer, mobile home, or manufactured home, as defined  
744 in chapter 320, the sexual offender shall also provide the  
745 vehicle identification number; the license tag number; the  
746 registration number; and a description, including color scheme,  
747 of the motor vehicle, trailer, mobile home, or manufactured  
748 home. If the sexual offender's place of residence is a vessel,  
749 live-aboard vessel, or houseboat, as defined in chapter 327, the  
750 sexual offender shall also provide the hull identification  
751 number; the manufacturer's serial number; the name of the  
752 vessel, live-aboard vessel, or houseboat; the registration  
753 number; and a description, including color scheme, of the  
754 vessel, live-aboard vessel or houseboat.

755 4. Any sexual offender who fails to report in person as  
756 required at the sheriff's office, or who fails to respond to any  
757 address verification correspondence from the department within 3  
758 weeks of the date of the correspondence or who fails to report  
759 electronic mail addresses or instant message names, commits a  
760 felony of the third degree, punishable as provided in s.  
761 775.082, s. 775.083, or s. 775.084.

762 Section 6. Section 943.04352, Florida Statutes, is amended  
763 to read:

764 943.04352 Search of registration information regarding  
765 sexual predators and sexual offenders required when placement on



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766 misdemeanor probation.—When the court places a defendant on  
767 misdemeanor probation pursuant to ss. 948.01 and 948.15, the  
768 public or private entity providing probation services must  
769 conduct a search of the probationer's name or other identifying  
770 information against the registration information regarding  
771 sexual predators and sexual offenders maintained by the  
772 Department of Law Enforcement under s. 943.043. The probation  
773 services provider may conduct the search using the Internet site  
774 maintained by the Department of Law Enforcement. Also, a  
775 national search must be conducted through the Dru Sjodin  
776 National Sex Offender Public Website maintained by the United  
777 States Department of Justice.

778 Section 7. Paragraph (a) of subsection (3) of section  
779 944.606, Florida Statutes, is amended to read:

780 944.606 Sexual offenders; notification upon release.—

781 (3) (a) The department must provide information regarding  
782 any sexual offender who is being released after serving a period  
783 of incarceration for any offense, as follows:

784 1. The department must provide: the sexual offender's name,  
785 any change in the offender's name by reason of marriage or other  
786 legal process, and any alias, if known; the correctional  
787 facility from which the sexual offender is released; the sexual  
788 offender's social security number, race, sex, date of birth,  
789 height, weight, and hair and eye color; address of any planned  
790 permanent residence or temporary residence, within the state or  
791 out of state, including a rural route address and a post office  
792 box; if no permanent or temporary address, any transient  
793 residence within the state; address, location or description,  
794 and dates of any known future temporary residence within the



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795 state or out of state; date and county of sentence and each  
796 crime for which the offender was sentenced; a copy of the  
797 offender's fingerprints and a digitized photograph taken within  
798 60 days before release; the date of release of the sexual  
799 offender; and any electronic mail address and any instant  
800 message name required to be provided pursuant to s.  
801 943.0435(4) (d); ~~and the offender's intended residence address,~~  
802 ~~if known.~~ The department shall notify the Department of Law  
803 Enforcement if the sexual offender escapes, absconds, or dies.  
804 If the sexual offender is in the custody of a private  
805 correctional facility, the facility shall take the digitized  
806 photograph of the sexual offender within 60 days before the  
807 sexual offender's release and provide this photograph to the  
808 Department of Corrections and also place it in the sexual  
809 offender's file. If the sexual offender is in the custody of a  
810 local jail, the custodian of the local jail shall register the  
811 offender within 3 business days after intake of the offender for  
812 any reason and upon release, and shall notify the Department of  
813 Law Enforcement of the sexual offender's release and provide to  
814 the Department of Law Enforcement the information specified in  
815 this paragraph and any information specified in subparagraph 2.  
816 that the Department of Law Enforcement requests.

817 2. The department may provide any other information deemed  
818 necessary, including criminal and corrections records,  
819 nonprivileged personnel and treatment records, when available.

820 Section 8. Subsections (4) and (6) and paragraph (c) of  
821 subsection (13) of section 944.607, Florida Statutes, are  
822 amended to read:

823 944.607 Notification to Department of Law Enforcement of



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824 information on sexual offenders.-

825 (4) A sexual offender, as described in this section, who is  
826 under the supervision of the Department of Corrections but is  
827 not incarcerated must register with the Department of  
828 Corrections within 3 business days after sentencing for a  
829 registrable ~~registerable~~ offense and otherwise provide  
830 information as required by this subsection.

831 (a) The sexual offender shall provide his or her name; date  
832 of birth; social security number; race; sex; height; weight;  
833 hair and eye color; tattoos or other identifying marks; any  
834 electronic mail address and any instant message name required to  
835 be provided pursuant to s. 943.0435(4) (d); ~~and~~ permanent or  
836 legal residence and address of temporary residence within the  
837 state or out of state while the sexual offender is under  
838 supervision in this state, including any rural route address or  
839 post office box; if no permanent or temporary address, any  
840 transient residence within the state; and address, location or  
841 description, and dates of any current or known future temporary  
842 residence within the state or out of state. The Department of  
843 Corrections shall verify the address of each sexual offender in  
844 the manner described in ss. 775.21 and 943.0435. The department  
845 shall report to the Department of Law Enforcement any failure by  
846 a sexual predator or sexual offender to comply with registration  
847 requirements.

848 (b) If the sexual offender is enrolled, employed, or  
849 carrying on a vocation at an institution of higher education in  
850 this state, the sexual offender shall provide the name, address,  
851 and county of each institution, including each campus attended,  
852 and the sexual offender's enrollment or employment status. Each



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853 change in enrollment or employment status shall be reported to  
854 the department within 48 hours after the change in status. The  
855 Department of Corrections shall promptly notify each institution  
856 of the sexual offender's presence and any change in the sexual  
857 offender's enrollment or employment status.

858 (6) The information provided to the Department of Law  
859 Enforcement must include:

860 (a) The information obtained from the sexual offender under  
861 subsection (4);

862 (b) The sexual offender's most current address, ~~and~~ place  
863 of permanent, ~~and~~ temporary, or transient residence within the  
864 state or out of state, and address, location or description, and  
865 dates of any current or known future temporary residence within  
866 the state or out of state, while the sexual offender is under  
867 supervision in this state, including the name of the county or  
868 municipality in which the offender permanently or temporarily  
869 resides, or has a transient residence, and address, location or  
870 description, and dates of any current or known future temporary  
871 residence within the state or out of state, and, if known, the  
872 intended place of permanent, ~~or~~ temporary, or transient  
873 residence, and address, location or description, and dates of  
874 any current or known future temporary residence within the state  
875 or out of state upon satisfaction of all sanctions;

876 (c) The legal status of the sexual offender and the  
877 scheduled termination date of that legal status;

878 (d) The location of, and local telephone number for, any  
879 Department of Corrections' office that is responsible for  
880 supervising the sexual offender;

881 (e) An indication of whether the victim of the offense that



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882 resulted in the offender's status as a sexual offender was a  
883 minor;

884 (f) The offense or offenses at conviction which resulted in  
885 the determination of the offender's status as a sex offender;  
886 and

887 (g) A digitized photograph of the sexual offender which  
888 must have been taken within 60 days before the offender is  
889 released from the custody of the department or a private  
890 correctional facility by expiration of sentence under s. 944.275  
891 or must have been taken by January 1, 1998, or within 60 days  
892 after the onset of the department's supervision of any sexual  
893 offender who is on probation, community control, conditional  
894 release, parole, provisional release, or control release or who  
895 is supervised by the department under the Interstate Compact  
896 Agreement for Probationers and Parolees. If the sexual offender  
897 is in the custody of a private correctional facility, the  
898 facility shall take a digitized photograph of the sexual  
899 offender within the time period provided in this paragraph and  
900 shall provide the photograph to the department.

901  
902 If any information provided by the department changes during the  
903 time the sexual offender is under the department's control,  
904 custody, or supervision, including any change in the offender's  
905 name by reason of marriage or other legal process, the  
906 department shall, in a timely manner, update the information and  
907 provide it to the Department of Law Enforcement in the manner  
908 prescribed in subsection (2).

909 (13)

910 (c) The sheriff's office may determine the appropriate





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911 times and days for reporting by the sexual offender, which shall  
912 be consistent with the reporting requirements of this  
913 subsection. Reregistration shall include any changes to the  
914 following information:

915 1. Name; social security number; age; race; sex; date of  
916 birth; height; weight; hair and eye color; address of any  
917 permanent residence and address of any current temporary  
918 residence, within the state or out of state, including a rural  
919 route address and a post office box; if no permanent or  
920 temporary address, any transient residence; address, location or  
921 description, and dates of any current or known future temporary  
922 residence within the state and out of state; any electronic mail  
923 address and any instant message name required to be provided  
924 pursuant to s. 943.0435(4)(d); date and place of any employment;  
925 vehicle make, model, color, and license tag number;  
926 fingerprints; and photograph. A post office box shall not be  
927 provided in lieu of a physical residential address.

928 2. If the sexual offender is enrolled, employed, or  
929 carrying on a vocation at an institution of higher education in  
930 this state, the sexual offender shall also provide to the  
931 department the name, address, and county of each institution,  
932 including each campus attended, and the sexual offender's  
933 enrollment or employment status.

934 3. If the sexual offender's place of residence is a motor  
935 vehicle, trailer, mobile home, or manufactured home, as defined  
936 in chapter 320, the sexual offender shall also provide the  
937 vehicle identification number; the license tag number; the  
938 registration number; and a description, including color scheme,  
939 of the motor vehicle, trailer, mobile home, or manufactured



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940 home. If the sexual offender's place of residence is a vessel,  
941 live-aboard vessel, or houseboat, as defined in chapter 327, the  
942 sexual offender shall also provide the hull identification  
943 number; the manufacturer's serial number; the name of the  
944 vessel, live-aboard vessel, or houseboat; the registration  
945 number; and a description, including color scheme, of the  
946 vessel, live-aboard vessel or houseboat.

947 4. Any sexual offender who fails to report in person as  
948 required at the sheriff's office, or who fails to respond to any  
949 address verification correspondence from the department within 3  
950 weeks of the date of the correspondence, or who fails to report  
951 electronic mail addresses or instant message names, commits a  
952 felony of the third degree, punishable as provided in s.  
953 775.082, s. 775.083, or s. 775.084.

954 Section 9. Subsections (2) and (7) of section 947.1405,  
955 Florida Statutes, are amended, and subsections (12) and (13) are  
956 added to that section, to read:

957 947.1405 Conditional release program.-

958 (2) (a) Any inmate who:

959 1. ~~(a)~~ Is convicted of a crime committed on or after October  
960 1, 1988, and before January 1, 1994, or ~~and any inmate who~~ is  
961 convicted of a crime committed on or after January 1, 1994,  
962 which crime is or was contained in category 1, category 2,  
963 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida  
964 Rules of Criminal Procedure (1993), and who has served at least  
965 one prior felony commitment at a state or federal correctional  
966 institution;

967 2. ~~(b)~~ Is sentenced as a habitual or violent habitual  
968 offender or a violent career criminal pursuant to s. 775.084; or



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969            3.(e) Is found to be a sexual predator under s. 775.21 or  
970 former s. 775.23,  
971  
972 shall, upon reaching the tentative release date or provisional  
973 release date, whichever is earlier, as established by the  
974 Department of Corrections, be released under supervision subject  
975 to specified terms and conditions, including payment of the cost  
976 of supervision pursuant to s. 948.09. Such supervision applies  
977 ~~shall be applicable~~ to all sentences within the overall term of  
978 sentences if an inmate's overall term of sentences includes one  
979 or more sentences that are eligible for conditional release  
980 supervision as provided in this section herein. ~~Effective July~~  
981 ~~1, 1994, and applicable~~

982            (b) For offenses committed on or after July 1, 1994 ~~that~~  
983 ~~date~~, the commission may require, as a condition of conditional  
984 release, that the releasee make payment of the debt due and  
985 owing to a county or municipal detention facility under s.  
986 951.032 for medical care, treatment, hospitalization, or  
987 transportation received by the releasee while in that detention  
988 facility. The commission, in determining whether to order such  
989 repayment and the amount of such repayment, shall consider the  
990 amount of the debt, whether there was any fault of the  
991 institution for the medical expenses incurred, the financial  
992 resources of the releasee, the present and potential future  
993 financial needs and earning ability of the releasee, and  
994 dependents, and other appropriate factors.

995            (c) If any inmate placed on conditional release supervision  
996 is also subject to probation or community control, resulting  
997 from a probationary or community control split sentence within



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998 the overall term of sentences, the Department of Corrections  
999 shall supervise such person according to the conditions imposed  
1000 by the court and the commission shall defer to such supervision.  
1001 If the court revokes probation or community control and  
1002 resentences the offender to a term of incarceration, such  
1003 revocation also constitutes a sufficient basis for the  
1004 revocation of the conditional release supervision on any  
1005 nonprobationary or noncommunity control sentence without further  
1006 hearing by the commission. If any such supervision on any  
1007 nonprobationary or noncommunity control sentence is revoked,  
1008 such revocation may result in a forfeiture of all gain-time, and  
1009 the commission may revoke the resulting deferred conditional  
1010 release supervision or take other action it considers  
1011 appropriate. If the term of conditional release supervision  
1012 exceeds that of the probation or community control, then, upon  
1013 expiration of the probation or community control, authority for  
1014 the supervision shall revert to the commission and the  
1015 supervision shall be subject to the conditions imposed by the  
1016 commission.

1017 (d) A panel of no fewer than two commissioners shall  
1018 establish the terms and conditions of any such release. If the  
1019 offense was a controlled substance violation, the conditions  
1020 shall include a requirement that the offender submit to random  
1021 substance abuse testing intermittently throughout the term of  
1022 conditional release supervision, upon the direction of the  
1023 correctional probation officer as defined in s. 943.10(3). The  
1024 commission shall also determine whether the terms and conditions  
1025 of such release have been violated and whether such violation  
1026 warrants revocation of the conditional release.



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1027 (7) (a) Any inmate who is convicted of a crime committed on  
1028 or after October 1, 1995, or who has been previously convicted  
1029 of a crime committed on or after October 1, 1995, in violation  
1030 of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.  
1031 847.0145, and is subject to conditional release supervision,  
1032 shall have, in addition to any other conditions imposed, the  
1033 following special conditions imposed by the commission:

1034 1. A mandatory curfew from 10 p.m. to 6 a.m. The commission  
1035 may designate another 8-hour period if the offender's employment  
1036 precludes the above specified time, and such alternative is  
1037 recommended by the Department of Corrections. If the commission  
1038 determines that imposing a curfew would endanger the victim, the  
1039 commission may consider alternative sanctions.

1040 2.a. If the victim was under the age of 18, a prohibition  
1041 on living within 1,500 ~~1,000~~ feet of a school, child care  
1042 facility ~~day care center~~, park, playground, ~~designated public~~  
1043 ~~school bus stop~~, or any business or other place where children  
1044 regularly congregate, and 1,000 of a designated public school  
1045 bus stop. The distance in this subparagraph must be measured in  
1046 a straight line from the offender's place of residence to the  
1047 nearest boundary line of any designated school bus stop, school,  
1048 child care facility, park, playground, or business or other  
1049 place where children regularly congregate. ~~A releasee who is~~  
1050 ~~subject to this subparagraph may not relocate to a residence~~  
1051 ~~that is within 1,000 feet of a public school bus stop. Beginning~~  
1052 ~~October 1, 2004, The commission or the department may not approve~~  
1053 ~~a residence that is located within 1,000 feet of a school, day~~  
1054 ~~care center, park, playground, designated school bus stop, or~~  
1055 ~~other place where children regularly congregate for any releasee~~



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1056 ~~who is subject to this subparagraph. On October 1, 2004,~~

1057       **b.** The department shall notify each affected school  
1058 district of the location of the residence of a releasee 30 days  
1059 prior to release and thereafter, if the releasee relocates to a  
1060 new residence, shall notify any affected school district of the  
1061 residence of the releasee within 30 days after relocation. ~~If,~~  
1062 ~~on October 1, 2004, any public school bus stop is located within~~  
1063 ~~1,000 feet of the existing residence of such releasee, the~~  
1064 ~~district school board shall relocate that school bus stop.~~  
1065 ~~Beginning October 1, 2004,~~ A district school board may not  
1066 establish or relocate a public school bus stop within 1,000 feet  
1067 of the residence of a releasee who is subject to this  
1068 subparagraph. The failure of the district school board to comply  
1069 with this subparagraph shall not result in a violation of  
1070 conditional release supervision.

1071       3. Active participation in and successful completion of a  
1072 sex offender treatment program with qualified practitioners  
1073 specifically trained to treat sex offenders, at the releasee's  
1074 own expense. If a qualified practitioner is not available within  
1075 a 50-mile radius of the releasee's residence, the offender shall  
1076 participate in other appropriate therapy.

1077       4. A prohibition on any contact with the victim, directly  
1078 or indirectly, including through a third person, unless approved  
1079 by the victim, the offender's therapist, and the sentencing  
1080 court.

1081       5. If the victim was under the age of 18, a prohibition  
1082 against contact with children under the age of 18 without review  
1083 and approval by the commission. The commission may approve  
1084 supervised contact with a child under the age of 18 if the



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1085 approval is based upon a recommendation for contact issued by a  
1086 qualified practitioner who is basing the recommendation on a  
1087 risk assessment. Further, the sex offender must be currently  
1088 enrolled in or have successfully completed a sex offender  
1089 therapy program. The commission may not grant supervised contact  
1090 with a child if the contact is not recommended by a qualified  
1091 practitioner and may deny supervised contact with a child at any  
1092 time. When considering whether to approve supervised contact  
1093 with a child, the commission must review and consider the  
1094 following:

1095 a. A risk assessment completed by a qualified practitioner.  
1096 The qualified practitioner must prepare a written report that  
1097 must include the findings of the assessment and address each of  
1098 the following components:

1099 (I) The sex offender's current legal status;

1100 (II) The sex offender's history of adult charges with  
1101 apparent sexual motivation;

1102 (III) The sex offender's history of adult charges without  
1103 apparent sexual motivation;

1104 (IV) The sex offender's history of juvenile charges,  
1105 whenever available;

1106 (V) The sex offender's offender treatment history,  
1107 including a consultation from the sex offender's treating, or  
1108 most recent treating, therapist;

1109 (VI) The sex offender's current mental status;

1110 (VII) The sex offender's mental health and substance abuse  
1111 history as provided by the Department of Corrections;

1112 (VIII) The sex offender's personal, social, educational,  
1113 and work history;



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1114 (IX) The results of current psychological testing of the  
1115 sex offender if determined necessary by the qualified  
1116 practitioner;

1117 (X) A description of the proposed contact, including the  
1118 location, frequency, duration, and supervisory arrangement;

1119 (XI) The child's preference and relative comfort level with  
1120 the proposed contact, when age-appropriate;

1121 (XII) The parent's or legal guardian's preference regarding  
1122 the proposed contact; and

1123 (XIII) The qualified practitioner's opinion, along with the  
1124 basis for that opinion, as to whether the proposed contact would  
1125 likely pose significant risk of emotional or physical harm to  
1126 the child.

1127  
1128 The written report of the assessment must be given to the  
1129 commission.

1130 b. A recommendation made as a part of the risk-assessment  
1131 report as to whether supervised contact with the child should be  
1132 approved;

1133 c. A written consent signed by the child's parent or legal  
1134 guardian, if the parent or legal guardian is not the sex  
1135 offender, agreeing to the sex offender having supervised contact  
1136 with the child after receiving full disclosure of the sex  
1137 offender's present legal status, past criminal history, and the  
1138 results of the risk assessment. The commission may not approve  
1139 contact with the child if the parent or legal guardian refuses  
1140 to give written consent for supervised contact;

1141 d. A safety plan prepared by the qualified practitioner,  
1142 who provides treatment to the offender, in collaboration with





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1143 the sex offender, the child's parent or legal guardian, and the  
1144 child, when age appropriate, which details the acceptable  
1145 conditions of contact between the sex offender and the child.  
1146 The safety plan must be reviewed and approved by the Department  
1147 of Corrections before being submitted to the commission; and  
1148 e. Evidence that the child's parent or legal guardian, if  
1149 the parent or legal guardian is not the sex offender,  
1150 understands the need for and agrees to the safety plan and has  
1151 agreed to provide, or to designate another adult to provide,  
1152 constant supervision any time the child is in contact with the  
1153 offender.

1154  
1155 The commission may not appoint a person to conduct a risk  
1156 assessment and may not accept a risk assessment from a person  
1157 who has not demonstrated to the commission that he or she has  
1158 met the requirements of a qualified practitioner as defined in  
1159 this section.

1160 6. If the victim was under age 18, a prohibition on working  
1161 for pay or as a volunteer at any school, child care facility ~~day~~  
1162 ~~care center~~, park, playground, or any business or other place  
1163 where children regularly congregate, as prescribed by the  
1164 commission.

1165 7. Unless otherwise indicated in the treatment plan  
1166 provided by the sexual offender treatment program, a prohibition  
1167 on viewing, owning, or possessing any obscene, pornographic, or  
1168 sexually stimulating visual or auditory material, including  
1169 telephone, electronic media, computer programs, or computer  
1170 services that are relevant to the offender's deviant behavior  
1171 pattern.



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1172           8. Effective for a releasee whose crime is committed on or  
1173 after July 1, 2005, a prohibition on accessing the Internet or  
1174 other computer services until the offender's sex offender  
1175 treatment program, after a risk assessment is completed,  
1176 approves and implements a safety plan for the offender's  
1177 accessing or using the Internet or other computer services.

1178           9. A requirement that the releasee must submit two  
1179 specimens of blood to the ~~Florida~~ Department of Law Enforcement  
1180 for registration ~~to be registered~~ with the DNA database.

1181           10. A requirement that the releasee make restitution to the  
1182 victim, as determined by the sentencing court or the commission,  
1183 for all necessary medical and related professional services  
1184 relating to physical, psychiatric, and psychological care.

1185           11. Submission to a warrantless search by the community  
1186 control or probation officer of the probationer's or community  
1187 controllee's person, residence, or vehicle.

1188           (b) For a releasee whose crime was committed on or after  
1189 October 1, 1997, in violation of chapter 794, s. 800.04, s.  
1190 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to  
1191 conditional release supervision, in addition to any other  
1192 provision of this subsection, the commission shall impose the  
1193 following additional conditions of conditional release  
1194 supervision:

1195           1. As part of a treatment program, participation in a  
1196 minimum of one annual polygraph examination to obtain  
1197 information necessary for risk management and treatment and to  
1198 reduce the sex offender's denial mechanisms. The polygraph  
1199 examination must be conducted by a polygrapher trained  
1200 specifically in the use of the polygraph for the monitoring of



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1201 sex offenders who has been authorized by the department, where  
1202 available, and at the expense of the releasee ~~sex offender~~. The  
1203 results of the polygraph examination shall be provided to the  
1204 releasee's probation officer and therapist and shall not be used  
1205 as evidence in a hearing to prove that a violation of  
1206 supervision has occurred.

1207 2. Maintenance of a driving log and a prohibition against  
1208 driving a motor vehicle alone without the prior approval of the  
1209 supervising officer.

1210 3. A prohibition against obtaining or using a post office  
1211 box without the prior approval of the supervising officer.

1212 4. If there was sexual contact, a submission to, at the  
1213 releasee's ~~probationer's or community controllee's~~ expense, an  
1214 HIV test with the results to be released to the victim or the  
1215 victim's parent or guardian.

1216 5. Electronic monitoring of any form when ordered by the  
1217 commission.

1218 (12) In addition to all other conditions imposed, for a  
1219 releasee who is subject to conditional release for a crime that  
1220 was committed on or after July 1, 2009, and who has been  
1221 convicted at any time of committing, or attempting, soliciting,  
1222 or conspiring to commit, any of the criminal offenses proscribed  
1223 in the following statutes in this state or similar offenses in  
1224 another jurisdiction against a victim who was under the age of  
1225 18 at the time of the offense: s. 787.01, s. 787.02, or s.  
1226 787.025(2)(c), where the victim is a minor and the offender was  
1227 not the victim's parent or guardian; s. 794.011, excluding s.  
1228 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
1229 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.



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1230 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.  
1231 985.701(1); or any similar offense committed in this state which  
1232 has been redesignated from a former statute number to one of  
1233 those listed in this subsection, if the offender has not  
1234 received a pardon for any felony or similar law of another  
1235 jurisdiction necessary for the operation of this subsection and  
1236 a conviction of a felony or similar law of another jurisdiction  
1237 necessary for the operation of this subsection has not been set  
1238 aside in any postconviction proceeding, unless at the time of  
1239 the crime was committed the victim was 16 or 17 years of age and  
1240 the releasee was not more than 21 years of age, the commission  
1241 must impose the following conditions:

1242 (a) A prohibition on visiting areas where children  
1243 regularly congregate, including, but not limited to, schools,  
1244 day care centers, parks, and playgrounds. The commission may  
1245 also designate additional locations to protect a victim. The  
1246 prohibition ordered under this subparagraph does not prohibit  
1247 the releasee's attendance at religious services as defined in s.  
1248 775.0861.

1249 (b) A prohibition on distributing candy or other items to  
1250 children on Halloween; wearing a Santa Claus costume, or other  
1251 costume to appeal to children, on or preceding Christmas;  
1252 wearing an Easter Bunny costume, or other costume to appeal to  
1253 children, on or preceding Easter; entertaining at children's  
1254 parties; or wearing a clown costume; without prior approval from  
1255 the commission.

1256 (13) The commission must impose the standard conditions in  
1257 paragraph (7) (a), on a releasee who on or after October 1, 2009:

1258 (a) Violates s. 800.04(4), (5), or (6); s. 827.071; or s.



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1259 847.0145 in this state or commits a similar offense in another  
1260 jurisdiction when, at the time of the offense, the victim was  
1261 younger than 16 years of age and the releasee was 18 years of  
1262 age or older.

1263 (b) Is designated as a sexual predator under s. 775.21 or  
1264 receives a similar designation or determination in another  
1265 jurisdiction.

1266 (c) Violates s. 775.21 or s. 943.0435 while subject to  
1267 registration as a sexual predator under s. 775.21 or as a sexual  
1268 offender under s. 943.0435 for an offense against a victim  
1269 younger than 16 years of age while the releasee was 18 years of  
1270 age or older.

1271 Section 10. Section 948.30, Florida Statutes, is amended to  
1272 read:

1273 948.30 Additional terms and conditions of probation or  
1274 community control for certain sex offenses.—Conditions imposed  
1275 pursuant to this section do not require oral pronouncement at  
1276 the time of sentencing and shall be considered standard  
1277 conditions of probation or community control for offenders  
1278 specified in this section.

1279 (1) Effective for probationers or community controllees  
1280 whose crime was committed on or after October 1, 1995, and who  
1281 are placed under supervision for violation of chapter 794, s.  
1282 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, the court  
1283 must impose the following conditions in addition to all other  
1284 standard and special conditions imposed:

1285 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court may  
1286 designate another 8-hour period if the offender's employment  
1287 precludes the above specified time, and the alternative is



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1288 recommended by the Department of Corrections. If the court  
1289 determines that imposing a curfew would endanger the victim, the  
1290 court may consider alternative sanctions.

1291 (b)1. For a probationer or community controllee whose crime  
1292 was committed before October 1, 2009, against a ~~if the~~ victim  
1293 who was under the age of 18, a prohibition on living within  
1294 1,000 feet of a school, child care facility ~~day care center~~,  
1295 park, playground, or any business or other place where children  
1296 regularly congregate, as prescribed by the court. The 1,000-foot  
1297 distance shall be measured in a straight line from the  
1298 offender's place of residence to the nearest boundary line of  
1299 the school, child care facility ~~day care center~~, park,  
1300 playground, or business or other place where children regularly  
1301 congregate. The distance may not be measured by a pedestrian  
1302 route or automobile route.

1303 2. For a probationer or community controllee whose crime  
1304 was committed on or after October 1, 2009, against a victim who  
1305 was younger than 18 years of age, a prohibition on living within  
1306 1,500 feet of a school, child care facility, park, playground,  
1307 or any business or other place where children regularly  
1308 congregate, as prescribed by the court. This distance shall be  
1309 measured in a straight line from the offender's place of  
1310 residence to the nearest boundary line of the school, child care  
1311 facility, park, playground, or business or other place where  
1312 children regularly congregate.

1313 (c) Active participation in and successful completion of a  
1314 sex offender treatment program with qualified practitioners  
1315 specifically trained to treat sex offenders, at the  
1316 probationer's or community controllee's own expense. If a



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1317 qualified practitioner is not available within a 50-mile radius  
1318 of the probationer's or community controllee's residence, the  
1319 offender shall participate in other appropriate therapy.

1320 (d) A prohibition on any contact with the victim, directly  
1321 or indirectly, including through a third person, unless approved  
1322 by the victim, the offender's therapist, and the sentencing  
1323 court.

1324 (e) If the victim was under the age of 18, a prohibition on  
1325 contact with a child under the age of 18 except as provided in  
1326 this paragraph. The court may approve supervised contact with a  
1327 child under the age of 18 if the approval is based upon a  
1328 recommendation for contact issued by a qualified practitioner  
1329 who is basing the recommendation on a risk assessment. Further,  
1330 the sex offender must be currently enrolled in or have  
1331 successfully completed a sex offender therapy program. The court  
1332 may not grant supervised contact with a child if the contact is  
1333 not recommended by a qualified practitioner and may deny  
1334 supervised contact with a child at any time. When considering  
1335 whether to approve supervised contact with a child, the court  
1336 must review and consider the following:

1337 1. A risk assessment completed by a qualified practitioner.  
1338 The qualified practitioner must prepare a written report that  
1339 must include the findings of the assessment and address each of  
1340 the following components:

1341 a. The sex offender's current legal status;

1342 b. The sex offender's history of adult charges with  
1343 apparent sexual motivation;

1344 c. The sex offender's history of adult charges without  
1345 apparent sexual motivation;



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1346 d. The sex offender's history of juvenile charges, whenever  
1347 available;

1348 e. The sex offender's offender treatment history, including  
1349 consultations with the sex offender's treating, or most recent  
1350 treating, therapist;

1351 f. The sex offender's current mental status;

1352 g. The sex offender's mental health and substance abuse  
1353 treatment history as provided by the Department of Corrections;

1354 h. The sex offender's personal, social, educational, and  
1355 work history;

1356 i. The results of current psychological testing of the sex  
1357 offender if determined necessary by the qualified practitioner;

1358 j. A description of the proposed contact, including the  
1359 location, frequency, duration, and supervisory arrangement;

1360 k. The child's preference and relative comfort level with  
1361 the proposed contact, when age appropriate;

1362 l. The parent's or legal guardian's preference regarding  
1363 the proposed contact; and

1364 m. The qualified practitioner's opinion, along with the  
1365 basis for that opinion, as to whether the proposed contact would  
1366 likely pose significant risk of emotional or physical harm to  
1367 the child.

1368  
1369 The written report of the assessment must be given to the court;

1370 2. A recommendation made as a part of the risk assessment  
1371 report as to whether supervised contact with the child should be  
1372 approved;

1373 3. A written consent signed by the child's parent or legal  
1374 guardian, if the parent or legal guardian is not the sex





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1375 offender, agreeing to the sex offender having supervised contact  
1376 with the child after receiving full disclosure of the sex  
1377 offender's present legal status, past criminal history, and the  
1378 results of the risk assessment. The court may not approve  
1379 contact with the child if the parent or legal guardian refuses  
1380 to give written consent for supervised contact;

1381 4. A safety plan prepared by the qualified practitioner,  
1382 who provides treatment to the offender, in collaboration with  
1383 the sex offender, the child's parent or legal guardian, if the  
1384 parent or legal guardian is not the sex offender, and the child,  
1385 when age appropriate, which details the acceptable conditions of  
1386 contact between the sex offender and the child. The safety plan  
1387 must be reviewed and approved by the court; and

1388 5. Evidence that the child's parent or legal guardian  
1389 understands the need for and agrees to the safety plan and has  
1390 agreed to provide, or to designate another adult to provide,  
1391 constant supervision any time the child is in contact with the  
1392 offender.

1393  
1394 The court may not appoint a person to conduct a risk assessment  
1395 and may not accept a risk assessment from a person who has not  
1396 demonstrated to the court that he or she has met the  
1397 requirements of a qualified practitioner as defined in this  
1398 section.

1399 (f) If the victim was under age 18, a prohibition on  
1400 working for pay or as a volunteer at any place where children  
1401 regularly congregate, including, but not limited to, schools,  
1402 day care centers, parks, playgrounds, pet stores, libraries,  
1403 zoos, theme parks, and malls.



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1404 (g) Unless otherwise indicated in the treatment plan  
1405 provided by the sexual offender treatment program, a prohibition  
1406 on viewing, accessing, owning, or possessing any obscene,  
1407 pornographic, or sexually stimulating visual or auditory  
1408 material, including telephone, electronic media, computer  
1409 programs, or computer services that are relevant to the  
1410 offender's deviant behavior pattern.

1411 (h) Effective for probationers and community controllees  
1412 whose crime is committed on or after July 1, 2005, a prohibition  
1413 on accessing the Internet or other computer services until the  
1414 offender's sex offender treatment program, after a risk  
1415 assessment is completed, approves and implements a safety plan  
1416 for the offender's accessing or using the Internet or other  
1417 computer services.

1418 (i) A requirement that the probationer or community  
1419 controllee must submit a specimen of blood or other approved  
1420 biological specimen to the Department of Law Enforcement to be  
1421 registered with the DNA data bank.

1422 (j) A requirement that the probationer or community  
1423 controllee make restitution to the victim, as ordered by the  
1424 court under s. 775.089, for all necessary medical and related  
1425 professional services relating to physical, psychiatric, and  
1426 psychological care.

1427 (k) Submission to a warrantless search by the community  
1428 control or probation officer of the probationer's or community  
1429 controllee's person, residence, or vehicle.

1430 (2) Effective for a probationer or community controllee  
1431 whose crime was committed on or after October 1, 1997, and who  
1432 is placed on community control or sex offender probation for a



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1433 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),  
1434 or s. 847.0145, in addition to any other provision of this  
1435 section, the court must impose the following conditions of  
1436 probation or community control:

1437 (a) As part of a treatment program, participation at least  
1438 annually in polygraph examinations to obtain information  
1439 necessary for risk management and treatment and to reduce the  
1440 sex offender's denial mechanisms. A polygraph examination must  
1441 be conducted by a polygrapher trained specifically in the use of  
1442 the polygraph for the monitoring of sex offenders who has been  
1443 authorized by the department, where available, and shall be paid  
1444 for by the probationer or community controllee ~~sex offender~~. The  
1445 results of the polygraph examination shall be provided to the  
1446 probationer's or community controllee's probation officer and  
1447 therapist and shall not be used as evidence in court to prove  
1448 that a violation of community supervision has occurred.

1449 (b) Maintenance of a driving log and a prohibition against  
1450 driving a motor vehicle alone without the prior approval of the  
1451 supervising officer.

1452 (c) A prohibition against obtaining or using a post office  
1453 box without the prior approval of the supervising officer.

1454 (d) If there was sexual contact, a submission to, at the  
1455 probationer's or community controllee's expense, an HIV test  
1456 with the results to be released to the victim or the victim's  
1457 parent or guardian.

1458 (e) Electronic monitoring when deemed necessary by the  
1459 community control or probation officer and his or her  
1460 supervisor, and ordered by the court at the recommendation of  
1461 the Department of Corrections.



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1462 (3) Effective for a probationer or community controllee  
1463 whose crime was committed on or after September 1, 2005, and  
1464 who:

1465 (a) Is placed on probation or community control for a  
1466 violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071,  
1467 or s. 847.0145 and the unlawful sexual activity involved a  
1468 victim 15 years of age or younger and the offender is 18 years  
1469 of age or older;

1470 (b) Is designated a sexual predator pursuant to s. 775.21;  
1471 or

1472 (c) Has previously been convicted of a violation of chapter  
1473 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and  
1474 the unlawful sexual activity involved a victim younger than 16  
1475 15 years of age or younger and the offender is 18 years of age  
1476 or older,

1477  
1478 the court must order, in addition to any other provision of this  
1479 section, mandatory electronic monitoring as a condition of the  
1480 probation or community control supervision.

1481 (4) In addition to all other conditions imposed, for a  
1482 probationer or community controllee who is subject to  
1483 supervision for a crime that was committed on or after July 1,  
1484 2009, and who has been convicted at any time of committing, or  
1485 attempting, soliciting, or conspiring to commit, any of the  
1486 criminal offenses proscribed in the following statutes in this  
1487 state or similar offenses in another jurisdiction against a  
1488 victim who was under the age of 18 at the time of the offense:  
1489 s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a  
1490 minor and the offender was not the victim's parent or guardian;



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1491 s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
1492 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.  
1493 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
1494 847.0145; s. 985.701(1); or any similar offense committed in  
1495 this state which has been redesignated from a former statute  
1496 number to one of those listed in this subsection, if the  
1497 offender has not received a pardon for any felony or similar law  
1498 of another jurisdiction necessary for the operation of this  
1499 subsection and a conviction of a felony or similar law of  
1500 another jurisdiction necessary for the operation of this  
1501 subsection has not been set aside in any postconviction  
1502 proceeding, unless at the time the crime was committed the  
1503 victim was 16 or 17 years of age and the offender was not more  
1504 than 21 years of age, the court must impose the following  
1505 conditions:

1506 (a) A prohibition on visiting areas where children  
1507 regularly congregate, including, but not limited to, schools,  
1508 day care centers, parks, and playgrounds. The commission may  
1509 also designate additional locations to protect a victim. The  
1510 prohibition ordered under this subparagraph does not prohibit  
1511 the releasee's attendance at religious services as defined in s.  
1512 775.0861.

1513 (b) A prohibition on distributing candy or other items to  
1514 children on Halloween; wearing a Santa Claus costume, or other  
1515 costume to appeal to children, on or preceding Christmas;  
1516 wearing an Easter Bunny costume, or other costume to appeal to  
1517 children, on or preceding Easter; entertaining at children's  
1518 parties; or wearing a clown costume; without prior approval from  
1519 the commission.



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1520           (5) The court shall impose the standard conditions in  
1521 paragraph (1) (b) on a probationer or community controllee who,  
1522 on or after October 1, 2009:

1523           (a) Violates s. 800.04(4), (5), or (6); s. 827.071; or s.  
1524 847.0145 in this state or commits a similar offense in another  
1525 jurisdiction if, at the time of the offense, the victim was  
1526 younger than 16 years of age and the probationer or community  
1527 controllee was 18 years of age or older.

1528           (b) Is designated as a sexual predator under s. 775.21 or  
1529 receives a similar designation or determination in another  
1530 jurisdiction.

1531           (c) Violates s. 775.21 or s. 943.0435 while subject to  
1532 registration as a sexual predator under s. 775.21 or as a sexual  
1533 offender under s. 943.0435 for an offense against a victim  
1534 younger than 16 years of age and the probationer or community  
1535 controllee was 18 years of age or older.

1536           Section 11. Section 948.31, Florida Statutes, is amended to  
1537 read:

1538           948.31 ~~Diagnosis, Evaluation, and treatment of~~ sexual  
1539 predators and offenders placed on probation or community control  
1540 for certain sex offenses or child exploitation. ~~The court shall~~  
1541 require an a diagnosis and evaluation to determine the need of a  
1542 probationer or community controllee offender in community  
1543 control for treatment. If the court determines that a need  
1544 therefor is established by the such diagnosis and evaluation  
1545 process, the court shall require sexual offender treatment  
1546 outpatient counseling as a term or condition of probation or  
1547 community control for any person who meets the criteria to be  
1548 designated as a sexual predator under s. 775.21 or to be subject



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1549 to registration as a sexual offender under s. 943.0435, s.  
1550 944.606, or s. 944.607. was found guilty of any of the  
1551 following, or whose plea of guilty or nolo contendere to any of  
1552 the following was accepted by the court:

1553 ~~(1) Lewd or lascivious battery, lewd or lascivious~~  
1554 ~~molestation, lewd or lascivious conduct, or lewd or lascivious~~  
1555 ~~exhibition, as defined in s. 800.04 or s. 847.0135(5).~~

1556 ~~(2) Sexual battery, as defined in chapter 794, against a~~  
1557 ~~child.~~

1558 ~~(3) Exploitation of a child as provided in s. 450.151, or~~  
1559 ~~for prostitution.~~

1560

1561 Such treatment counseling shall be required to be obtained from  
1562 a qualified practitioner as defined in s. 948.001(6) who is  
1563 specifically trained to treat sex offenders. Treatment may not  
1564 be administered by a qualified practitioner who has been  
1565 convicted or adjudicated delinquent of committing, or  
1566 attempting, soliciting, or conspiring to commit, any offense  
1567 that is listed in s. 943.0435(1) (a)1.a.(I). The court shall  
1568 impose a restriction against contact with minors if sexual  
1569 offender treatment is recommended ~~a community mental health~~  
1570 ~~center, a recognized social service agency providing mental~~  
1571 ~~health services, or a private mental health professional or~~  
1572 ~~through other professional counseling. The evaluation and~~  
1573 recommendations plan for treatment of counseling for the  
1574 probationer or community controllee individual shall be provided  
1575 to the court for review.

1576 Section 12. Paragraph (a) of subsection (3) of section  
1577 985.481, Florida Statutes, is amended to read:



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1578           985.481 Sexual offenders adjudicated delinquent;  
1579 notification upon release.—

1580           (3) (a) The department must provide information regarding  
1581 any sexual offender who is being released after serving a period  
1582 of residential commitment under the department for any offense,  
1583 as follows:

1584           1. The department must provide the sexual offender's name,  
1585 any change in the offender's name by reason of marriage or other  
1586 legal process, and any alias, if known; the correctional  
1587 facility from which the sexual offender is released; the sexual  
1588 offender's social security number, race, sex, date of birth,  
1589 height, weight, and hair and eye color; address of any planned  
1590 permanent residence or temporary residence, within the state or  
1591 out of state, including a rural route address and a post office  
1592 box; if no permanent or temporary address, any transient  
1593 residence within the state; address, location or description,  
1594 and dates of any known future temporary residence within the  
1595 state or out of state; date and county of disposition and each  
1596 crime for which there was a disposition; a copy of the  
1597 offender's fingerprints and a digitized photograph taken within  
1598 60 days before release; and the date of release of the sexual  
1599 offender; and the offender's intended residence address, if  
1600 ~~known~~. The department shall notify the Department of Law  
1601 Enforcement if the sexual offender escapes, absconds, or dies.  
1602 If the sexual offender is in the custody of a private  
1603 correctional facility, the facility shall take the digitized  
1604 photograph of the sexual offender within 60 days before the  
1605 sexual offender's release and also place it in the sexual  
1606 offender's file. If the sexual offender is in the custody of a





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1607 local jail, the custodian of the local jail shall register the  
1608 offender within 3 business days after intake of the offender for  
1609 any reason and upon release, and shall notify the Department of  
1610 Law Enforcement of the sexual offender's release and provide to  
1611 the Department of Law Enforcement the information specified in  
1612 this subparagraph and any information specified in subparagraph  
1613 2. which the Department of Law Enforcement requests.

1614 2. The department may provide any other information  
1615 considered necessary, including criminal and delinquency  
1616 records, when available.

1617 Section 13. Paragraph (a) of subsection (4), paragraph (a)  
1618 of subsection (6), and paragraph (b) of subsection (13) of  
1619 section 985.4815, Florida Statutes, are amended to read:

1620 985.4815 Notification to Department of Law Enforcement of  
1621 information on juvenile sexual offenders.—

1622 (4) A sexual offender, as described in this section, who is  
1623 under the supervision of the department but who is not committed  
1624 must register with the department within 3 business days after  
1625 adjudication and disposition for a registrable offense and  
1626 otherwise provide information as required by this subsection.

1627 (a) The sexual offender shall provide his or her name; date  
1628 of birth; social security number; race; sex; height; weight;  
1629 hair and eye color; tattoos or other identifying marks; ~~and~~  
1630 permanent or legal residence and address of temporary residence  
1631 within the state or out of state while the sexual offender is in  
1632 the care or custody or under the jurisdiction or supervision of  
1633 the department in this state, including any rural route address  
1634 or post office box; if no permanent or temporary address, any  
1635 transient residence; address, location or description, and dates



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1636 of any current or known future temporary residence within the  
1637 state or out of state; and the name and address of each school  
1638 attended. The department shall verify the address of each sexual  
1639 offender and shall report to the Department of Law Enforcement  
1640 any failure by a sexual offender to comply with registration  
1641 requirements.

1642 (6) (a) The information provided to the Department of Law  
1643 Enforcement must include the following:

1644 1. The information obtained from the sexual offender under  
1645 subsection (4).

1646 2. The sexual offender's most current address and place of  
1647 permanent, ~~or~~ temporary, or transient residence within the state  
1648 or out of state, and address, location or description, and dates  
1649 of any current or known future temporary residence within the  
1650 state or out of state, while the sexual offender is in the care  
1651 or custody or under the jurisdiction or supervision of the  
1652 department in this state, including the name of the county or  
1653 municipality in which the offender permanently or temporarily  
1654 resides, or has a transient residence, and address, location or  
1655 description, and dates of any current or known future temporary  
1656 residence within the state or out of state; and, if known, the  
1657 intended place of permanent, ~~or~~ temporary, or transient  
1658 residence, and address, location or description, and dates of  
1659 any current or known future temporary residence within the state  
1660 or out of state upon satisfaction of all sanctions.

1661 3. The legal status of the sexual offender and the  
1662 scheduled termination date of that legal status.

1663 4. The location of, and local telephone number for, any  
1664 department office that is responsible for supervising the sexual



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1665 offender.

1666           5. An indication of whether the victim of the offense that  
1667 resulted in the offender's status as a sexual offender was a  
1668 minor.

1669           6. The offense or offenses at adjudication and disposition  
1670 that resulted in the determination of the offender's status as a  
1671 sex offender.

1672           7. A digitized photograph of the sexual offender, which  
1673 must have been taken within 60 days before the offender was  
1674 released from the custody of the department or a private  
1675 correctional facility by expiration of sentence under s.  
1676 944.275, or within 60 days after the onset of the department's  
1677 supervision of any sexual offender who is on probation,  
1678 postcommitment probation, residential commitment, nonresidential  
1679 commitment, licensed child-caring commitment, community control,  
1680 conditional release, parole, provisional release, or control  
1681 release or who is supervised by the department under the  
1682 Interstate Compact Agreement for Probationers and Parolees. If  
1683 the sexual offender is in the custody of a private correctional  
1684 facility, the facility shall take a digitized photograph of the  
1685 sexual offender within the time period provided in this  
1686 subparagraph and shall provide the photograph to the department.

1687           (13)

1688           (b) The sheriff's office may determine the appropriate  
1689 times and days for reporting by the sexual offender, which shall  
1690 be consistent with the reporting requirements of this  
1691 subsection. Reregistration shall include any changes to the  
1692 following information:

1693           1. Name; social security number; age; race; sex; date of



1694 birth; height; weight; hair and eye color; address of any  
1695 permanent residence and address of any current temporary  
1696 residence, within the state or out of state, including a rural  
1697 route address and a post office box; if no permanent or  
1698 temporary address, any transient residence; address, location or  
1699 description, and dates of any current or known future temporary  
1700 residence within the state or out of state; name and address of  
1701 each school attended; date and place of any employment; vehicle  
1702 make, model, color, and license tag number; fingerprints; and  
1703 photograph. A post office box shall not be provided in lieu of a  
1704 physical residential address.

1705         2. If the sexual offender is enrolled, employed, or  
1706 carrying on a vocation at an institution of higher education in  
1707 this state, the sexual offender shall also provide to the  
1708 department the name, address, and county of each institution,  
1709 including each campus attended, and the sexual offender's  
1710 enrollment or employment status.

1711         3. If the sexual offender's place of residence is a motor  
1712 vehicle, trailer, mobile home, or manufactured home, as defined  
1713 in chapter 320, the sexual offender shall also provide the  
1714 vehicle identification number; the license tag number; the  
1715 registration number; and a description, including color scheme,  
1716 of the motor vehicle, trailer, mobile home, or manufactured  
1717 home. If the sexual offender's place of residence is a vessel,  
1718 live-aboard vessel, or houseboat, as defined in chapter 327, the  
1719 sexual offender shall also provide the hull identification  
1720 number; the manufacturer's serial number; the name of the  
1721 vessel, live-aboard vessel, or houseboat; the registration  
1722 number; and a description, including color scheme, of the



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1723 vessel, live-aboard vessel, or houseboat.

1724 4. Any sexual offender who fails to report in person as  
1725 required at the sheriff's office, or who fails to respond to any  
1726 address verification correspondence from the department within 3  
1727 weeks after the date of the correspondence, commits a felony of  
1728 the third degree, punishable as provided in ss. 775.082,  
1729 775.083, and 775.084.

1730 Section 14. This act shall take effect July 1, 2009.

1731  
1732 ===== T I T L E A M E N D M E N T =====

1733 And the title is amended as follows:

1734 Delete everything before the enacting clause  
1735 and insert:

1736 A bill to be entitled  
1737 An act relating to sexual offenders and predators;  
1738 creating s. 775.215, F.S.; preempting to the state the  
1739 authority to limit the residence of a person convicted  
1740 of a sexual offense; amending s. 794.065, F.S.;  
1741 revising provisions relating to residency limits on a  
1742 person convicted of certain sex offenses; imposing  
1743 more restrictive residency limits on a person  
1744 convicted of certain sex offenses; providing criminal  
1745 penalties; creating s. 856.022, F.S.; prohibiting  
1746 loitering or prowling by certain offenders within a  
1747 specified distance of places where children regularly  
1748 congregate; prohibiting certain actions toward a child  
1749 at a public park or playground by certain offenders;  
1750 prohibiting the presence of certain offenders at a  
1751 child care facility without notice and supervision;



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1752 providing exceptions; providing penalties; amending s.  
1753 775.21, F.S.; revising and providing definitions;  
1754 revising provisions relating to reporting requirements  
1755 for sexual predators who are in a transient status;  
1756 amending s. 943.0435, F.S.; revising provisions  
1757 relating to residence reporting requirements for  
1758 sexual offenders; amending s. 943.04352, F.S.;  
1759 requiring that the probation services provider search  
1760 in an additional specified sex offender registry for  
1761 information regarding sexual predators and sexual  
1762 offenders when an offender is placed on misdemeanor  
1763 probation; amending s. 944.606, F.S.; revising address  
1764 reporting requirements for sexual offenders; amending  
1765 s. 944.607, F.S.; requiring additional registration  
1766 information from sex offenders who are under the  
1767 supervision of the Department of Corrections but who  
1768 are not incarcerated; amending s. 947.1405, F.S.;  
1769 providing additional conditional release restrictions  
1770 for certain offenders; providing an exemption;  
1771 revising provisions relating to polygraph examinations  
1772 of specified conditional releasees who have committed  
1773 specified sexual offenses; providing additional  
1774 restrictions for certain conditional releasees who  
1775 have committed sexual offenses against minors under  
1776 the age of 16 or who have been designated as sexual  
1777 predators or received similar designations or  
1778 determinations in another jurisdiction; imposing more  
1779 restrictive residency limits on a person convicted of  
1780 certain sex offenses; amending s. 948.30, F.S.;



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1781 revising provisions relating to terms and conditions  
1782 of probation or community control for certain sex  
1783 offenses; imposing more restrictive residency limits  
1784 on a person convicted of certain sex offenses;  
1785 revising provisions relating to polygraph examinations  
1786 of specified probationers or community controllees who  
1787 have committed specified sexual offenses; providing  
1788 additional restrictions for certain probationers or  
1789 community controllees who committed sexual offenses  
1790 against minors under the age of 16 or who have been  
1791 designated as sexual predators or received similar  
1792 designations or determinations in another  
1793 jurisdiction; providing additional restrictions for  
1794 certain probationers or community controllees who  
1795 committed sexual offenses against a minor younger than  
1796 16 years of age; amending s. 948.31, F.S.; deleting a  
1797 requirement for diagnosis of certain sexual predators  
1798 and sexual offenders on community control; revising  
1799 provisions relating to treatment for such offenders  
1800 and predators; amending s. 985.481, F.S.; providing  
1801 additional address reporting requirements for sexual  
1802 offenders adjudicated delinquent; amending s.  
1803 985.4815, F.S.; revising provisions relating to  
1804 address and residence reporting requirements for  
1805 sexual offenders adjudicated delinquent; providing an  
1806 effective date.